

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMAL SHETIWY, LOUIS C. YEOSTROS, JOHN
MURPHY, PLAMEN PANKOFT, PATRICIA R.
DIFFLEY, SPIROS ARGYROS, JOHANNA
ARBELAEZ, NICHOLAS DOUDALIS, NICOLE
GAGNON, SAFET KOLJENOVIC, MAGDI
ABDALLA, AHMED HASSAN, EKATEREINE
SKOTEDIS, VIELKA VARGAS, ROSE
VILLANUEVA, on behalf of themselves and others
similarly situated,

Plaintiffs,

- against -

MIDLAND CREDIT MANAGEMENT, A/K/A
MIDLAND FUNDING LLC, CALVARY PORTFOLIO
SERVICE, DEBTONE, LLC, CACH, LLC, NCO
FINANCIAL SYSTEMS, LVNV FUNDING, LLC,
ASSET ACCEPTANCE, LLC, FIA CARD SERVICES,
N.A., PORTFOLIO RECOVERY, CHASE BANK, N.A.,
AMERICAN EXPRESS COMPANY, BANK OF
AMERICA, N.A., CAPITAL ONE FINANCIAL
ADVISORS, LLC, ASSOCIATED RECOVERY
SYSTEMS, CITIGROUP INC., CITIBANK, N.A.,
CAPITAL MANAGEMENT SERVICES, GE CAPITAL
CONSUMER LENDING, INC., EQUABLE ASSENT
FINANCIAL, LLC,

Defendants.

12 Civ. 7068 (SAS) (HBP)

**DECLARATION OF
ANDREW A. RUFFINO
IN SUPPORT OF
MOTION TO DISMISS**

Andrew A. Ruffino declares as follows:

1. I am a partner at Covington & Burling LLP, which is counsel to Defendant Chase Bank USA, N.A. (“Chase”) in this litigation. I make this declaration in order to put

documents before the Court in connection with Defendants' Motion to Dismiss. This declaration is based on my personal knowledge.

2. Pursuant to Part IV-B of this Court's Individual Rules and Procedures, we sent a pre-motion letter to counsel for Plaintiffs on October 3, 2012. The letter outlined the legal deficiencies we perceived in their Complaint and advised them of our intention to move to dismiss. The anticipated motion to dismiss was the subject of further discussions at the initial pretrial conference on November 14, 2012. The Court thereafter issued an order setting a schedule for Plaintiffs to file an Amended Complaint and for Defendants to move to dismiss.

3. Attached as Exhibit A is a true and correct copy of Plaintiffs' Amended Complaint dated December 1, 2012 (and filed on December 6, 2012), including the accompanying exhibits.

4. Attached as Exhibit B is a true and correct copy of an article titled "Automated Debt-Collection Lawsuits Engulf Courts," by Andrew Martin, published in the New York Times on July 12, 2010.

5. Attached as Exhibit C is a true and correct copy of an article titled "Debtors Seethe, Sue Over Collector Tactics," by Marjie Lundstrom and Sam Stanton, published in the Sacramento Bee on April 22, 2012.

6. Attached as Exhibit D is a true and correct copy of the Chapter 7 voluntary bankruptcy petition filed by Plaintiff Ahmed Hassan (including his schedules of assets) in the matter entitled *In re Hassan*, Bankr. E.D.N.Y. Case No. 1-12-40461-nhl.

7. Attached as Exhibit E is a true and correct copy of the bankruptcy court's discharge order as to Plaintiff Ahmed Hassan in *In re Hassan*, Bankr. E.D.N.Y. Case No. 1-12-40461-nhl.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
is true and correct.

Executed on January 25, 2013 at New York, New York.

s/ Andrew A. Ruffino
ANDREW A. RUFFINO